



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Paper No.

QUALCOMM INCORPORATED  
5775 MOREHOUSE DR.  
SAN DIEGO CA 92121

**MAILED**

**MAY 06 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Jain et al.	:	
Application No. 10/651,810	:	ON APPLICATION FOR
Filed: 10/651,810	:	PATENT TERM ADJUSTMENT
Atty Docket No.	:	
030159	:	

This is a decision on the "REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH*<sup>1</sup>," filed on March 16, 2011, which is treated as an application for patent term adjustment under 37 CFR 1.705(b).

The application for patent term adjustment is **DISMISSED** as **premature**.

On December 16, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 809 days. On March 16, 2011, applicants submitted the subject paper<sup>1</sup>.

In view of the filing of the RCE on March 16, 2011, and the mailing of a new Notice of Allowance on March 30, 2011, the application for patent term adjustment is dismissed as premature.

It is also noted that no fee was received with the subject petition. Petitioners are reminded that any application under

---

<sup>1</sup> *Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

<sup>1</sup> PALM records show that a Request for Continued Examination (RCE) was filed on March 16, 2011, in lieu of payment of the issue fee. The issue fee has not been paid.

37 CFR 1.705(b) must be accompanied by payment of the \$200.00 fee set forth in § 1.18(e).

The application is referred to the Office of Data Management to await receipt of the issue and publication fees.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions